

Michelle Angel assisted w/app.

Application for Water Right
Temporary or Drought Temporary Transfer
Part 1 of 5 - Minimum Requirements Checklist



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

This temporary transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.
For questions, please call (503) 986-0900, and ask for Transfer Section.

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FOR ALL TEMPORARY TRANSFER APPLICATIONS

Check all items included with this application. (N/A = Not Applicable)

- Part 1 - Completed Minimum Requirements Checklist.
Part 2 - Completed Temporary Transfer Application Map Checklist.
Part 3 - Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator.
Part 4 - Completed Applicant Information and Signature.
Part 5 - Information about Transferred Water Rights: How many water rights are to be transferred? 1 List them here: G-17708
Please include a separate Part 5 for each water right. (See instructions on page 6)
N/A For standard Temporary Transfer (one to five years) Begin Year End Year
N/A Temporary Drought Transfer (Only in counties where the Governor has declared drought)

Attachments:

- Completed Temporary Transfer Application Map.
Completed Evidence of Use Affidavit and supporting documentation.
Current recorded deed for the land from which the authorized place of use is temporarily being moved.
N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land upon which the water right is located.)
N/A Supplemental Form D - For water rights served by or issued in the name of a district. Complete when the temporary transfer applicant is not the district.
N/A Oregon Water Resources Department's Land Use Information Form with approval and signature from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if all of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation (if necessary to convey water to the proposed place of use).

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- Application fee not enclosed/insufficient
Map not included or incomplete
Land Use Form not enclosed or incomplete
Additional signature(s) required
Part is incomplete

Other/Explanation
Staff: Phone: Date: / /

Part 2 of 5 – Temporary Transfer Application Map Checklist

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Your temporary transfer application **will be returned** if any of the map requirements listed below are not met.

Please be sure that the temporary transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet; the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated); the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet; or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed temporary place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s) to convey water to the new temporary place of use, show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME <i>Cheyne Brothers LLC</i>		PHONE NO. <i>541-723-2005</i>	ADDITIONAL CONTACT NO.
ADDRESS <i>1649 Depot, P.O. Box 49</i>			FAX NO.
CITY <i>Malin</i>	STATE <i>OR</i>	ZIP <i>97632</i>	E-MAIL <i>fenterss@gmail.com</i>
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this transfer application and why:
DUE TO DROUGHT, AND NO DROUGHT PERMITS, WE NEED WATER ON FIELDS THAT ARE IN IRRIGATION DISTRICT
 If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".



I (we) affirm that the information contained in this application is true and accurate.

<u><i>[Signature]</i></u> Applicant (District) signature	<u><i>Scott J Fenters Manager</i></u> Print Name (and Title if applicable)	<u><i>4/22/22</i></u> Date
_____	_____	_____
Applicant (District) signature	Print Name (and Title if applicable)	Date

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No

If NO, include signatures of all landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent from all landowners or individuals/entities (and mailing and/or e-mail addresses) to which the water right(s) has been conveyed.

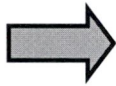
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Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (NOTE: If this box is checked, you must complete and attach Supplemental Form D.)

DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed and/or used.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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INSTRUCTIONS for editing the Application Form

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To add lines to tables within the forms or to copy and paste additional Part 5 pages, please **save the application form to your computer**. Unlock the document by using one of the following instructions for your Microsoft Word software version:

Microsoft Word 2003

Unlock the document by one of the following:

- Using the **Tools** menu => click **Unprotect Document**;
- OR
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the **Tools** menu => click **Protect Document**;
- OR
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

Microsoft Word 2007

- Unlock the document by clicking the **Review** tab, then click **Protect Document**, then click **Stop Protect**
- To relock the document, click **Editing Restrictions**, then click **Allow Only This Type of Editing**, select **Filling In Forms** from the drop-down menu, then check **Yes, Start Enforcing Protection**.

Microsoft Word 2010

- Unlock the document by clicking the **Review** tab; toggle the **Restrict Editing icon** at the upper right, then click **Stop Protect** at the bottom right. Then uncheck the "**Allow only this type of editing** in the document: **Filling in forms**" in the "Editing restrictions" section on the right-hand list of options.
- To relock the document, check the **Editing Restrictions/Allow Only This Type of Editing/Filling In Forms** box from the drop-down menu, then check **Yes, Start Enforcing Protection**. You do not need to assign a password for the editing restrictions.

Other Alternatives:

- Photocopy pages or tables in Part 5, ~~mark through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page ~~5~~ 6 of ~~9~~ 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

Once the application has been unlocked, you may:

- add rows to tables using the Table tools, and
- select and copy the pages of Part 5 and paste as many additional sets of Part 5 pages as needed at the end of the application.

After editing, re-lock the document to enable checkboxes to work.

Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add rows to tables within the form.

Water Right Certificate # G-17708

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Description of Water Delivery System

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System capacity: 1.24 cfs cubic feet per second (cfs) OR
 _____ gallons per minute (gpm)

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Describe the current water delivery system or the system that was in place at some time within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. _____

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-_____)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
POA #1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	KLAM 59347	40 S	09 E	28	NE NW	300	960' S + 222' W FROM N CORNER Sec 28
POA #2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	KLAM 55747	40 S	09 E	34	SW NE	200	400.7' S + 81.6' W NE ¼ ¼
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

Check all type(s) of temporary change(s) proposed below (change "CODES" are provided in parentheses):

- Place of Use (POU)
- Point of Diversion (POD)
- Additional Point of Diversion (APOD)
- Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)

Check all type(s) of temporary change(s) due to drought proposed below (change "CODES" are provided in parentheses):

- Place of Use (POU)
- Character of Use (USE)
- Point of Diversion (POD)
- Point of Appropriation/Well (POA)
- Additional Point of Appropriation (APOA)
- Additional Point of Diversion (APOD)

Will all of the proposed changes affect the entire water right?

- Yes Complete only the Proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Temporary Changes to Water Right Certificate # _____

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng		Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
TOTAL ACRES													TOTAL ACRES													

Additional remarks:

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Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Temporary Changes to Water Right Certificate # G-17708

List only the part of the right that will be changed. For the acreage in each ¼ ¼, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears on the Certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.													Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.												
Twp	Rng	Sec	¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date	Twp	Rng	Sec		¼ ¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/ POA(s) to be used (from Table 1)	Priority Date						
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
"	"	"	"	"	"	"	"	"	"	EXAMPLE	"	"	"	2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
40	S	9	E	28	NE	NW		1	6.50	Irrigation	POA #1		POU	40	S	9	E	3	NE	NE	100		38.7		POA #2	
					NW	NW		1	8.30									3	NW	NE			26.3			
					NW	NW		6	8.42									3	SW	NE			34.5			
					SE	NW		6	0.20																	
40	S	9	E	29	SW	SE	4300		40.36																	
					NW	SE	"		20.00																	
40	S	9	E	32	SE	SE	5600		15.72																	
							TOTAL ACRES	99.5																TOTAL ACRES	99.5	

Additional remarks:

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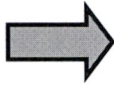
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For Place of Use Changes

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Are there other water right certificates, water use permits or ground water registrations associated with the "from" or the "to" lands? Yes No

If YES, list the certificate, water use permit, or ground water registration numbers:



Pursuant to ORS 540.525, any "layered" water use such as an irrigation right that is supplemental to a primary right proposed for temporary transfer can be included in the transfer or remain unused on the authorized place of use. If the primary water right does not revert soon enough to allow use of the supplemental right within five years, the supplemental right shall become subject to cancellation for nonuse under ORS 540.610.

If a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation is necessary to convey the water to the new temporary place of use you must provide:

- Well log(s) for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx)

AND/OR

- Describe the construction of the authorized and proposed well(s) in Table 3 below for any well that does not have a well log. For a *proposed well(s) not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the Department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right

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Klamath Basin/County Drought Transfer Applications

Table 4. Klamath Basin/County Well Information (DROUGHT TRANSFER APPLICATIONS ONLY)

Is there currently a flowmeter installed on each of the POAs listed in Table 1 of this application? Yes No*

**Please note that watermaster staff will visit the well to confirm flowmeter presence. Where possible, watermaster staff will take a static water level measurement. Alterations to the well head may be required in order to make the water level measurements.*

For each well, please provide a description of the flowmeter location, the serial number, the current flowmeter reading and the date the reading was taken in the table below.

OWNER'S WELL NAME OR NUMBER.	WELL TAG NUMBER (IF AVAILABLE)	WELL LOG ID (E.G., KLAM 1234)	FLOWMETER SERIAL NUMBER	FLOWMETER READING	FLOWMETER DATE	FLOWMETER LOCATION



Find Resources

Well Log:

Well Tag: L

WL Max Date:



i Drag a box on the map to select.

x Clear

[Download results from GWIS](#)

Well was not found.

POA #1

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Other Search

Identify

Layers

Wells



KLAM 55747

POA # 2

WELL I.D. # L _____

(1) **LAND OWNER** Well Number 3
 Name Liskey Farms Inc
 Address 4650 Lower Klamath Lake Rd
 City Klamath Falls State OR Zip 97603

(2) **TYPE OF WORK**
 New Well Deepening Alteration (repair/recondition) Abandonment

(3) **DRILL METHOD:**
 Rotary Air Rotary Mud Cable Auger
 Other _____

(4) **PROPOSED USE:**
 Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other _____

(5) **BORE HOLE CONSTRUCTION:**
 Special Construction approval Yes No Depth of Completed Well _____ ft.
 Explosives used Yes No Type _____ Amount _____

HOLE		SEAL		Sacks or pounds
Diameter	From To	Material	From To	
20"	0	282		

How was seal placed: Method A B C D E
 Other _____

Backfill placed from _____ ft. to _____ ft. Material _____
 Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) **CASING/LINER:**

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Drive Shoe used Inside Outside None
 Final location of shoe(s) _____

(7) **PERFORATIONS/SCREENS:**

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

(8) **WELL TESTS:** Minimum testing time is 1 hour
 Pump Baller Air Flowing Artesian
 Yield gal/min _____ Drawdown _____ Drill stem at _____ Time _____
 4500 _____ _____ _____ 1 hr.

Temperature of water 199°F Depth Artesian Flow Found _____
 Was a water analysis done? Yes By whom _____
 Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
 Depth of strata: _____

(9) **LOCATION OF WELL by legal description:**
 County Klamath Latitude _____ Longitude _____
 Township 40 S N or S Range 9 E E or W. WM.
 Section 34 ACA SW 1/4 of NE 1/4
 Tax Lot 200 Lot _____ Block _____ Subdivision _____
 Street Address of Well (or nearest address) _____
4024 Lower Klamath Lake Rd

(10) **STATIC WATER LEVEL:**
17 ft. below land surface. Date 15 Dec 1954
 Artesian pressure _____ lb. per square inch Date _____

(11) **WATER BEARING ZONES:**

Depth at which water was first found _____

From	To	Estimated Flow Rate	SWL
274	282	4500 gpm	17

(12) **WELL LOG:**

Ground Elevation _____

Material	From	To	SWL
Top Dirt	0	3	
Hard Pan	3	6	
Yellow Chalk	6	24	
Blue & Yellow Chalk alternate	24	184	
Clay with streaks of hard shale	184	260	
Hard Blue Shale	260	274	
Pumice gravel with lots of water	274	282	17

Date started _____ Completed 15 Dec 1954

SOURCE OF DATA/INFO
Ground Water Right Application: G-16813
(see attached sheet)

COMPILED BY: GERALD H. GRONDAK
OWRD Hydrogeologist

DATE: 20 March 2007

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WELL INFORMATION REPORT

11/16/2000

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#3

#3 Well

LISKY HOT WELL BY SHOP DEC. 15, 1954
8" Well

- 0----3 Top Dirt
- 3----6 Hard Pan
- 6---24 Yellow Chalk
- 24-185 Blue and Yellow Chalk Alternate
- 185-260 Clay with streaks of Hard shale
- 260-274 Hard Blue shale
- 274-277½ Pumice Gravel with lots of water.

Temperatures at 45' Luke warm
 145' 109 Degrees
 240' 124 "
 260' 129 "
 270' 140 "
 277½' 170 "

277½ Feet of 8" hole at \$2.00 -----\$555.00

~~WELL OUT BY FEED LOT 8"~~

- ~~0-----3 Top dirt~~
- ~~3-----16 Chalk~~
- ~~16----17 Hard rocky clay~~
- ~~17----53 Clay with streaks of shale~~

~~Ealer Test 50 Gallons per minute drawing the water down to 35'~~

~~Temperature 170 Degrees~~

~~53' of 8" hole at \$2.00 -----\$106.00~~
~~Total -----\$661.00~~

All to apply on Leveling job.

← Same well →
8" to 20"
diameter

LISKY HOT WELL BY SHOP

Reamed from 8" hole to 20" hole.

- 0-----3 Top Dirt
- 3-----6 Hard pan
- 6-----24 Yellow Chalk
- 24----184 Blue and yellow chalk alternate
- 184---260 Clay with streaks of hard shale
- 260---274 Hard Blue Shale
- 274---282 Pumice Gravel with lots of water

Temperature when pumping 4500 Gal. Per min.
199 Degrees.

Static water Level 17 Feet.

Pumping level at 4500 Gal. 19 Feet.

282 Feet of 20" hole at \$5.00 -----\$1410.00

KLAM 55747

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FEB 27 2007

WATER RESOURCES DEPT
SALEM, OREGON

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Find Resources

Well Log:

Well Tag:

L

WL Max

Date:

Drag a box on the map to select.
Clear

POA #2

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Other Search

Identify

Layers



Wells

STATE OF OREGON
 COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

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THIS PERMIT IS HEREBY ISSUED TO

LEE R. SUKRAW
 1881 LOWER KLAMATH LAKE RD
 KLAMATH FALLS, OREGON 97603

This superseding permit is issued to correctly describe an amendment for an additional point of appropriation proposed under Permit Amendment Application T-12319 and approved by Special Order Vol. 103, Page 329, entered October 21, 2016, and a correcting order approved by Special Order Vol. 103, Page 552, entered December 7, 2016 and to describe an extension of time for complete application of water approved September 15, 2009. This permit supersedes Permit G-17641.

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-15315

SOURCE OF WATER: NINE WELLS IN KLAMATH RIVER BASIN

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 1166.59 ACRES

MAXIMUM RATE: 14.58 CUBIC FEET PER SECOND ~~14.58~~ 6600 gpm

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: MARCH 9, 2001

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
40 S	9 E	WM	28	SE NE	WELL 1 - 2200 FEET SOUTH AND 1300 FEET WEST FROM THE NE CORNER OF SECTION 28
40 S	9 E	WM	29	SW SE	WELL 2 - 1380 FEET WEST FROM THE SE CORNER OF SECTION 29
40 S	9 E	WM	29	NE SW	WELL 3 - 2635 FEET NORTH AND 2933 FEET WEST FROM THE SE CORNER OF SECTION 29
40 S	9 E	WM	28	NW NW	WELL 4 - 800 FEET SOUTH AND 650 FEET EAST FROM THE NW CORNER OF SECTION 28
40 S	9 E	WM	27	SE SW	WELL 5 - 1200 FEET NORTH AND 2600 FEET EAST FROM THE SW CORNER OF SECTION 27
40 S	9 E	WM	27	SE SW	WELL 6 - 1150 FEET NORTH AND 2600 FEET EAST FROM THE SW CORNER OF SECTION 27

40 S	9 E	WM	29	SW SE		40.36
40 S	9 E	WM	32	NE NE		40.92
40 S	9 E	WM	32	NW NE		41.00
40 S	9 E	WM	32	SW NE		40.89
40 S	9 E	WM	32	SE NE		40.75
40 S	9 E	WM	32	NE SE		40.56
40 S	9 E	WM	32	NW SE		40.77
40 S	9 E	WM	32	SW SE		39.15
40 S	9 E	WM	32	SE SE		38.88
Total						1166.59

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Permit Amendment T-12319 Conditions

The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.

Water use measurement conditions:

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation, new and existing.
- b. The water user shall maintain the meters or measuring devices in good working order.
- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

Water shall be acquired from the same aquifer as the original points of appropriation.

Extension of Time Conditions

Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2012 and 2017.**

- a. At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- b. The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

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Existing Permit Conditions

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes PlaceInitial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has BegunSeven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- A. Identify each well with its associated measurement; and
- B. Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method used to obtain each well measurement; and

D. Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- A. An average water level decline of three or more feet per year for five consecutive years; or
- B. A water level decline of 15 or more feet in fewer than five consecutive years; or
- C. A water level decline of 25 or more feet; or
- D. Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

STANDARD CONDITIONS

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

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This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.


Complete application of the water to the use was to be made on or before October 1, 2007. By extension of Time Final Order dated September 15, 2009, the deadline for complete application of water to use was extended to October 1, 2017. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued DEC 07 2016, 2016

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Dwight French, Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

Mailed 2/25/21

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Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301
(503) 986-0900
www.wrd.state.or.us

Request for Assignment

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

If for multiple rights, a separate form and fee for each right will be required.

I, Lee R. Sukraw
(Name of Current Holder of Record)
1881 Lower Klamath Lake Road Klamath Falls, OR 97603 541-891-8740
(Mailing Address) (City) (State) (Zip) (Phone #)

- hereby assign all my interest in and to the entire application/permit/transfer/limited license/groundwater statement; (example, sold all the land authorized under the right)
- hereby assign all my interest in and to a portion of application/permit/transfer/limited license/groundwater statement; (*You must include a map showing the portion of the application/permit/transfer order/limited license/groundwater statement to be assigned.* Example, sold a portion of the land authorized under the right)
- hereby assign a portion of my interest in and to the entire application/permit/transfer/limited license/groundwater statement; (example, adding an additional person)

Application # G-15315 ; Permit # G-17708 ; Transfer # T-12319 ;
Limited License # _____ ; Groundwater Statement # _____

as filed in the office of the Water Resources Director, to:

Cheyne Brothers, LLC
(Name of New Owner)
1649 Depot, PO Box 49 Malin OR 97632 541-723-2005
(Mailing Address) (City) (State) (Zip) (Phone #)

Note: If there are other owners of the property described in the application, permit, transfer order, limited license, or groundwater statement, you must provide a list of all other owners' names and mailing addresses and attach it to this form. Write the initials (first letters) of your first and last names at the spot indicated below _____.

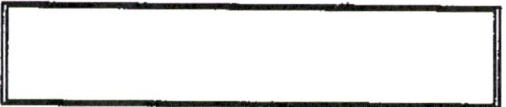
LR I hereby certify that I have notified all other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement of this Request of Assignment.

Witness my hand this 17th day of Feb, 2021.
(Day) (Month) (Year)

Signature of Current Holder of Record Lee R. Sukraw

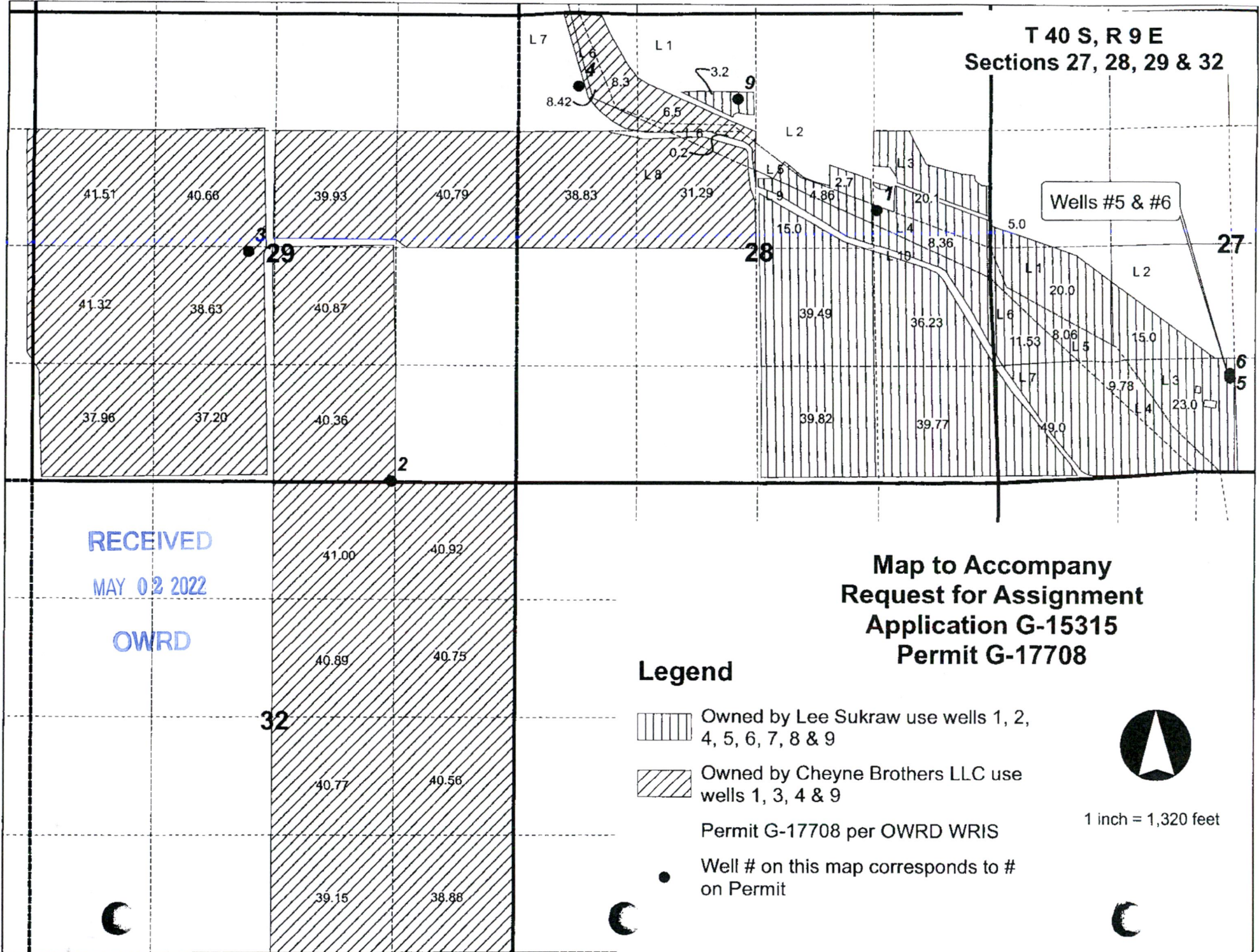
Failure to provide any of the required information will result in the return of your application.

DO NOT WRITE IN THIS BOX



The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$100.


T 40 S, R 9 E
Sections 27, 28, 29 & 32




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Map to Accompany
Request for Assignment
Application G-15315
Permit G-17708

Legend

 Owned by Lee Sukraw use wells 1, 2, 4, 5, 6, 7, 8 & 9

 Owned by Cheyne Brothers LLC use wells 1, 3, 4 & 9

Permit G-17708 per OWRD WRIS

Well # on this map corresponds to # on Permit



1 inch = 1,320 feet

Land Use Information Form

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Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Applicant: Scott Fenters
First Last

Mailing Address: PO Box 49

Malin OR 97632 Daytime Phone: 541-723-2005
City State Zip

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
405	9E	28			1, 4 Goot lot	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	irrigation
405	9E	29		4300		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	↓
405	9E	32		5600		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
415	9E	3		100		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
 Water Right Transfer
 Permit Amendment or Ground Water Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

Source of water: Reservoir/Pond
 Ground Water
 Surface Water (name) _____

Estimated quantity of water needed: _____ cubic feet per second
 gallons per minute
 acre-feet

Intended use of water: Irrigation
 Commercial
 Industrial
 Domestic for _____ household(s)
 Municipal
 Quasi-Municipal
 Instream
 Other _____

Briefly describe:

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

For Local Government Use Only

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The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____

Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: Lipon Gallagher Title: Planner II
 Signature: Lipon Gallagher Phone: 541-851-3614 Date: 4/21/22
 Government Entity: Klamath County Planning Dept.

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.



Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____



2020-016513
Klamath County, Oregon
12/18/2020 09:39:01 AM
Fee: \$92.00

THIS SPACE RESERVED FOR

After recording return to:
Cheyne Brothers LLC, an Oregon limited liability
company
James C. Cheyne, PO Box 49
Malin, OR 97632

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Until a change is requested all tax statements shall be
sent to the following address:
Cheyne Brothers LLC, an Oregon limited liability
company
James C. Cheyne, PO Box 49
Malin, OR 97632
File No. 412253AM

STATUTORY WARRANTY DEED

Sukraw Properties, LLC, an Oregon Limited Liability Company,

Grantor(s), hereby convey and warrant to

Cheyne Brothers LLC, an Oregon limited liability company,

Grantee(s), the following described real property in the County of Klamath and State of Oregon free of encumbrances except as specifically set forth herein:

SEE ATTACHED EXHIBIT "A"

The true and actual consideration for this conveyance is \$5,858,660.00.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 14 day of Dec, 2020

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Sukraw Properties, LLC

By: [Signature]
Lee R. Sukraw, Member

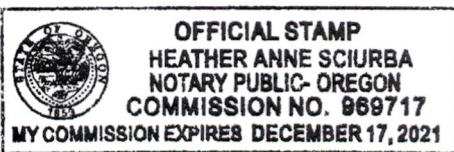
State of Oregon } ss
County of Klamath }

On this 14 day of December, 2020, before me, Heather Scieurba a Notary Public in and for said state, personally appeared LEE, SUKRAW known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]

Notary Public for the State of Oregon
Residing at: Klamath Falls OR
Commission Expires: 12/17/2021



MAY 02 2022

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Page 3 Statutory Warranty Deed
Escrow No. 412253AM
Exhibit "A"

Township 40 South, Range 9 East of the Willamette Meridian, Klamath County Oregon:

PARCEL 1: Sections 28 & 29: Those portions of the SW1/4 NW1/4, Lot 6, and Lot 8, Section 28, lying Southerly and Westerly of the centerline of the Klamath Drainage District North Canal as the same is presently located and constructed, and the SE1/4 NE1/4 and E1/2 SW1/4 NE1/4 of Section 29, all in Township 40 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, and more particularly described as follows:

Beginning at a point on the Section line common to Sections 28 and 29, Township 40 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon at the Northeast corner of the SE1/4 NE1/4 of said Section 29, from which the section corner common to Sections 20, 21, 28 and 29, Township 40 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon bears North 0 degrees 12 1/2' East 1317.5 feet distant; thence North 89 degrees 50 1/4' West 2058.3 feet to a point; thence South 0 degrees 07 1/4' East 16.5 feet to an iron pin reference monument; thence South 0 degrees 07 1/4' East 1302.2 feet to a point from which an iron pin reference monument bears South 0 degrees 07 1/4' East 19.3 feet distant; thence South 89 degrees 52 1/4' East 2050.9 feet to the quarter-section corner common to the said Sections 28 and 29; thence in Section 28, South 89 degrees 48 1/2' East 2643.9 feet to the center quarter-section corner of said Section 28; thence North 0 degrees 06 1/4' East along the North-South centerline of said Section 28, 620.8 feet to a point on the centerline of the Klamath Drainage District North Canal; thence following the centerline of said canal, North 89 degrees 54 1/2' West 56.0 feet to a point; thence North 0 degrees 06' East 485.2 feet to a point; thence North 72 degrees 11' West 500.9 feet to a point; thence South 87 degrees 52 1/2' West 667.5 feet to a point; thence North 78 degrees 02 1/2' West 403.3 feet to a point; thence North 39 degrees 28' West 6.4 feet to a point; thence leaving the centerline of said canal, North 89 degrees 49 1/4' West 1042.7 feet more or less to the point of beginning.

PARCEL 2: Section 32: The E1/2 E1/2

PARCEL 3: A tract of land in Klamath County, Oregon, described as follows:

In Township 40 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

Section 29: W1/2 SW1/4 NE1/4, S1/2 NW1/4, SW1/4, W1/2 SE1/4, EXCEPTING THEREFROM that tract in the SW1/4 SW1/4, being a right of way 180 feet in width, conveyed to the United States of America by instrument recorded January 20, 1945 in Book 172 at page 351, Deed Records of Klamath County, Oregon. AND ALSO EXCEPTING that portion conveyed to the United States of America by Deed recorded April 2, 1976 in Volume M76, page 4625, Microfilm Records of Klamath County, Oregon.

Section 32: W1/2 E1/2

PARCEL 4: A piece or parcel of land situate in the NW1/4 of Section 28, Township 40 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at an intersection of the North line of said Section 28 and the center line of the lower Klamath Lake Road as presently located and constructed; thence Southeasterly along the center line of said road to its intersection with the North-South center line of said Section 28; thence Southerly along said North-South center line 221.4 feet, more or less, to a point on the center line of the Klamath Drainage District North Canal extended Easterly; thence Westerly 58.9 feet to the centerline of the Klamath Drainage District North Canal; thence Northerly along said North Canal center line extended and along the North Canal center line to its intersection with the Northerly line of said Section 28; thence Easterly along the section line to the point of beginning.



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EXECUTIVE ORDER NO. 22-02

**DETERMINATION OF A STATE OF DROUGHT EMERGENCY IN
KLAMATH COUNTY.**

At the request of Klamath County by Resolution No. 2022-016 dated February 22, 2022, and based on the recommendations of the Drought Readiness Council and the Water Supply Availability Committee, and pursuant to ORS 536.740, I find the low snowpack, low reservoir levels, and low streamflow have caused or will cause natural and economic disaster conditions Klamath County.

Forecasted water supply conditions and precipitation levels are not expected to improve. Drought is likely to have a significant economic impact on the farm, ranch, and natural resources sectors, as well as an impact on drinking water, fish and wildlife, important minimum flows for public instream uses and other natural resources dependent on adequate precipitation, stored water, and streamflow in these areas. Extreme conditions are expected to affect local growers, increase the potential for fire, shorten the growing season, and decrease water supplies.

Conditions continue to be monitored by the State's natural resource and public safety agencies, including the Oregon Water Resources Department, the Oregon Office of Emergency Management, the Oregon Office of the State Fire Marshal, and the Oregon Department of Forestry's Fire Protection Division.

Preparation and resiliency to drought are vital to the health and safety of persons, property, and the economic security of the citizens and businesses of these counties. I, therefore, declare that a severe, continuing drought emergency exists and is likely to continue to exist in Klamath County.

NOW, THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

- I. The Oregon Department of Agriculture is directed to coordinate and provide assistance in seeking federal resources to mitigate drought conditions and assist in agricultural recovery in Klamath County.
- II. The Oregon Water Resources Department and the Water Resources Commission are directed to coordinate and provide assistance to water users in Klamath County as the Department and Commission determine necessary and appropriate in accordance with ORS 536.700 to 536.780.



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EXECUTIVE ORDER NO. 22-02
PAGE TWO

- III. The Oregon Water Resources Department is directed to seek information from the Oregon Department of Fish and Wildlife to help understand the impacts of water availability on Oregon's fish and wildlife, as necessary and appropriate in accordance with ORS 536.700 to 536.780.
- IV. The Office of Emergency Management is directed to coordinate and assist as needed with assessment and mitigation activities to address current and projected conditions in Klamath County.
- V. All other state agencies are directed to coordinate with the above agencies and provide appropriate state resources as needed to assist affected political subdivisions and water users in Klamath County.
- VI. This Executive Order expires on December 31, 2022.

Done at Salem, Oregon, this 4th day of March, 2022.

A handwritten signature in cursive script that reads "Kate Brown".

Kate Brown
GOVERNOR

ATTEST:

Shemia Fagan
SECRETARY OF STATE

Application for Water Right Transfer

Evidence of Use Affidavit



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing. Supporting documentation must be attached.

State of Oregon)
) ss
 County of Klamath)
 I, Scott Fenters, in my capacity as Manager,
 mailing address P O Box 49, Malin, OR 97632
 telephone number (541) 723-2005, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):
 Personal observation Professional expertise

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2. I attest that:

- Water was used during the previous five years on the **entire** place of use for Certificate # G-17708; **OR**
 My knowledge is specific to the use of water at the following locations within the last five years:

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Certificate #	Township	Range	Mer	Sec	¼ ¼	Gov't Lot or DLC	Acres (if applicable)
↓ V	40	S	9	E		1	14.8
	"	"	"	"		6	8.62
	40	S	9	E		SWSE 4300	40.36
	"	"	"	"		NWSE 4300	20.00
	40	S	9	E		SESE 5600	15.72

OR

- Confirming Certificate # _____ has been issued within the past five years; **OR**
 Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: _____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
 The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
 Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # _____ (For Historic POD/POA Transfers)

(continues on reverse side)

3. The water right was used for: (e.g., crops, pasture, etc.): _____
4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

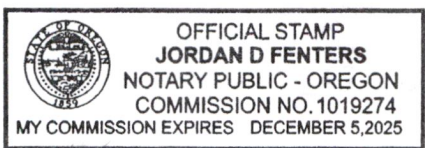
[Signature]

 Signature of Affiant

4/22/22

 Date

Signed and sworn to (or affirmed) before me this 22 day of April, 2022.



Jordan Fenters

 Notary Public for Oregon

My Commission Expires: 12/5/2028

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph	<p>Multiple photos can be submitted to resolve different areas of a water right.</p> <p>If the photograph does not print with a "date stamp" or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terraserver.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

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